

IN THE UNITED STATES DISTRICT COURT  
for the Northern District of CALIFORNIA

DANNY CAESAR  
Plaintiff,  
-vs-  
Robert Horel, et al.,  
Defendants.

CASE No. CV-08-01977-SBA

MOTION FOR TEMPORARY  
INJUNCTION

FILED  
SEP - 2 2008  
RICHARD W. WILKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

NC  
Once again, I (petitioner) must impose upon  
this Court, for relief by way of a Temporary Injunction  
that would temporarily transfer me to another prison  
for the main purpose medical (fair) care, avoidance of  
deliberate torture, and to keep from being robbed (SEE  
CALIFORNIA STATE PENAL CODE: 211) silly, by Warden Horel's  
Klax Klan styled Administration. Most recently, I'm  
being denied the use of the appeals system.

ON 7-16-08, I received the decision (SEE Exhibit '1')  
of the Director of Appeals, with directions for me to appeal  
my disagreement with his decision, too the California

State Board of Control. I started this motion immediately, (2)  
Case 4:08-cv-01977-SBA Document 9 Filed 09/02/2008 Page 2 of 34  
however a hurdle suddenly appeared (SEE Exhibit '2'). After Ms.  
Griffin failed to answer my appeal with Title 15's standard  
time limits (SEE Title 15:3084.6, b, 1.), I notified the Appeals  
Coordinator (KRAVITZ) on 8-17-08, of this non-response by Ms.  
Griffin; and have not received a response from Mr. KRAVITZ.

On the eve of 8-3-08, I attempted to mail a letter  
by way of Confidential Mail, according to Title 15: 3141 and 3142.  
After I sealed the envelop and gave it to this ghost - c/o  
(he was not regular staff, and the lights are usually dimmed  
in such fashion that it's hard for the inmate to see out-  
side of the cell-door) and he put the letter in his hands  
and started signing and dating (SEE Exhibit '3') and the  
seal of the letter practically completely unraveled. I became  
agitated and told the ghost c/o that I beleived that he  
was deliberately not using a back-brace in signing and  
dating my letter, knowing it would unravel, and thereby  
give him later access. He told me it was not deliberate

3) and allowed me to make a second seal, after this makeshift signature. I poured faucet water on the ~~distort~~ disheveled seal, pressed the wet seal on the flat wall surface for a minute, returned the letter to him, and he departed. On 8-19-08, I received this letter back, during routine mail pass-out, labeled (SEE Exhibit '3') Return To Sender, and completed invaded by the disguise of routine mail inspection.

These recent - I believe - illegal escapades by warden Horell's soldiers also feed another growing suspicion I have of the activities of he and his Klansmen/Klanswomen. A couple of years ago, I began contacting an attorney (Daniel V. Behesnilian: 8665 Wilshire Blvd. #410, Beverly Hills, Ca. 90211-2931) concerning a \$1,000.00 Farmers Insurance reimbursement check that Mr. Behesnilian negotiated on my behalf, back in approx 1981 or 1982; a check I initially forgot to collect from Mr. Behesnilian at the time because of my unsettled lifestyle, at that time. I've never received a response from Mr. Behesnilian, although I've made a couple of more letter attempts.

4) The Director of the OAKLAND California Department of Veterans Affairs sent me the forms to apply for a clothing allowance (annual) because of my rated V.A. Disability; possibly a \$100.00 allowance. I have received absolutely no response (Department of Veterans Affairs: VA Southern Oregon Rehabilitation Center and Clinics, 8495 Crater Lake Hwy, White City, Or. 97503) from the White City office, about this official business, although I've made a couple of more letter attempts. This seems unusual, for the V.A..

I received a Disability cost-of-living benefits increase, as of December 2007. I've wrote the OAKLAND California Regional Office about this increase<sup>not</sup> being reflected in my monthly checks, and an update of my pending legal claims before the department. Again, no response. This seems extremely unusual.

I've been expecting an economic-stimulus-rebate tax check, since June 2008; which I believe I qualify for, because of my military disability; however, I have not received the check. I did get a letter from the IRS (it indeed this letter is legitimate) in Fresno California, a

3) couple of weeks ago telling me they are unsure of the law involved in my particular case: said they would inform me of their decision, one way or the other, in 45 days. This check should be at least \$300.00, if approved.

I'm worried that a skilled thief could be using California State's 'Power of Attorney' on certain monies I receive, cashing and pocketing the proceeds, and simply leaving <sup>me</sup> with a wonder. I have no family to call on, in order to double check my business activities; thereby, I am vulnerable to schemes such as this, if indeed it is happening, and to what extent.

The magazine complained of in Exhibit '1' cost \$8.00, I have an identical pending appeal (#PBSF-C-08-01293) for April 2008 issue: and counting: I'm expecting my next issue this month. An examination of Exhibit '1' will reveal the staff's ability and talent at building firewalls, premised on a created lie - my claim is for October 2007 issue, and I have changed cells - as a defense to protect each other

6)

in robbery ventures, just as ordinary common criminals.

Accordingly, I'm worried about protecting myself from these potentates, as much as possible.

I've also been strategically <sup>placed</sup> in a cold cell (my present cell). On top of being an increment cell, this cell has been constructed to be extremely humid: cold and humid.

~~Edible~~ Edibles probably last 30 hours, before becoming saturated with moisture, and mold began taking residence in the food product. This is especially cumbersome on my canteen food products, because of this prison's policy to remove the canteen from Manufacturers' packages, to be placed in paper bags and cups.

I remain on paper-tray status, for 14 continuous months now. These paper trays are designed to contain maybe 25% of the regular inmates' trays (SEE Exhibit '4').

I remain without any medical treatment. Things like appealing my cold temperatured cell is overcome by the medical staff's rejection of a noted CDC form 1824,

7) medically acknowledged, a medical need or conditions. I'm still  
cripple and unable to walk more than 50 feet at one time.  
I still live with chronic nerve pain in my feet and hips  
and back; especially intense chronic pain in my feet. The  
military combat associated nightmares are becoming more intense:  
they use to be without blood, or without a lot of blood;  
however, now I'm starting to have nightmares with more  
blood and gore. Still have major problems getting and staying  
asleep, many nights. Both medical and psychiatric staff  
here at Pelican Bay are predetermined to deprive me of  
fair medical and psychiatric treatments.

Civil Law requires me to carry certain responsibilities  
in order to make legal claims under the U.S. Constitution of  
Laws. I believe many of the Pelican staff are working  
in concert in an illegal coup, determined to convert me  
into a Klausman/switch, or slowly destroy me and my life,  
Digestive system still out of sync, and being played like an accordion.

Dated: August 24<sup>th</sup> 2008

DAN CAESAR Dan Caesar  
PRO SE PETITIONER

## DECLARATION

I, (DAN LEE CAESAR) petitioner hereby declare under penalty of perjury that all statements contained within the enclosed Motion For Temporary Injunction, dated this 24<sup>th</sup> day of August, 2008, are truthful accounts of my knowledge at the present.

Dated: 8-24-08

Dan Caesar  
DAN LEE CAESAR  
PRO SE PETITIONER

Exhibit '1'

= 10 pages - 1 envelop

STATE OF CALIFORNIA  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
INMATE APPEALS BRANCH  
P. O. BOX 942883  
SACRAMENTO, CA 94283-0001

**DIRECTOR'S LEVEL APPEAL DECISION**

11

Date: JUL 09 2008

In re: Dan Caesar, D07644  
Pelican Bay State Prison  
P.O. Box 7000  
Crescent City, CA 95531-7000

IAB Case No.: 0727252

Local Log No.: PBSP-08-00061

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner D. Artis, Facility Captain. All submitted documentation and supporting arguments of the parties have been considered.

**I APPELLANT'S ARGUMENT:** It is the appellant's position that he should have started receiving the "Show Magazine" in October 2007. The magazine is published bi-monthly. The appellant contends that he should have received a December 2007, issue and the appellant is expecting the February 2008, edition at this time. The appellant is requesting \$8.00 in reimbursement for the October edition.

**II SECOND LEVEL'S DECISION:** The reviewer found that a thorough review was conducted into the processing of mail at the Second Level of Appeal Review (SLR). The Pelican Bay State Prison (PBSP) mailroom was contacted and confirmed that Show Magazine was contacted to confirm the inmate's subscription. The Housing Unit was contacted and confirmed that the inmate received the February 2008, edition of Show Magazine. The appellant has made a lot of bed moves which causes mail to be re-routed if correspondents are not notified. Being that the institution mailroom has a large number of correspondences arriving daily; any incorrect information can lead to delays and or mistakes. However, the institution established that the appellant will not be reimbursed for the October 2007 edition of Show Magazine because it has not been established that the loss was a result of employee action; therefore the appeal was denied at the SLR.

**III DIRECTOR'S LEVEL DECISION:** Appeal is denied.

**A. FINDINGS:** The Director's Level of Review has considered all submitted documentation and supporting arguments presented. Pursuant to California Code of Regulations Title 15, Section (CCR), Title 15 Section 3031, "the department encourages correspondence between inmates and persons outside of correctional facilities. The sending and receiving of mail by inmates and persons outside correctional facilities shall not be invaded except as may be necessary to prevent physical injury to persons and to maintain the security of correctional facilities and the community." Section 3193 (b) "The department shall accept liability for the loss or destruction of inmate's personal property when it is established that such loss or destruction resulted from an employee action." In this case the appellant contends that he has not received his publications due from Show Magazine, in which he is to receive bi-monthly. The appellant makes reference to the publication being lost. However, the appellant has failed to provide any new or compelling information that determines PBSP has acted inappropriately in processing his mail or that PBSP mailroom has lost his publication. Therefore, no relief will be afforded at the Director's Level of Review.

**B. BASIS FOR THE DECISION:**

CCR: 3001, 3006, 3013, 3016, 3044, 3084.7, 3131, 3134, 3138, 3139, 3141, 3143, 3144, 3147, 3165, 3190, 3193, 3270, 3380, 3391

**C. ORDER:** No changes or modifications are required by the Institution.

DAN CAESAR, D07644  
CASE NO. 0727252  
PAGE 2

This decision exhausts the administrative remedy available to the appellant within CDCR. If dissatisfied, the appellant may forward this issue to the California Victims Compensation and Government Claims Board, (formerly known as the State Board of Control), Government Claims Unit, P.O. Box 3035, Sacramento, CA 95812-3035, for further review.

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N. GRANNIS, Chief  
Inmate Appeals Branch

cc: Warden, PBSP  
Appeals Coordinator, PBSP

INMATE/PAROLEE  
APPEAL FORM  
CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

13

1.

PBSP

1. C08-00061

31

You may appeal any policy, action or decision which has a significant adverse effect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state the reason why you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NUMBER
DAN CAESAR	D-07644	SHU	C-5-121

A. Describe Problem: % Humphries, as regular 3rd Watch Floor Officer, you are primarily responsible for the distribution of mail. I started a two year subscription to SHOW MAGAZINE in October 2007; and should receive a magazine every two months. I contacted the mailroom (SEE Enclosed Inmate Request) after not receiving my December issue. I'm afraid the magazine is lost due to staff negligence, however, I am writing SHOW MAGAZINE at this time, to find out if they failed to mail me the magazine. As you know, I have a right to this personal property (SEE Title 15:3190, b, 7).

If you need more space, attach one additional sheet.

B. Action Requested: If in fact my magazine is lost, I want to be reimbursed the full subscription issue price, which I believe is \$8.00 (SEE Title 15:3193).

Inmate/Parolee Signature: Dan Caesar

Date Submitted: 1-4-08

C. INFORMAL LEVEL (Date Received: 1-4-08)

Staff Response: DENIED - YOU MAY RECEIVE A DECEMBER ISSUE OF SHOW MAGAZINE FROM YOUR SUBSCRIBER TO WHOM YOU HAVE WRITTEN. I DELIVER THE MAIL OUT OF THE MAILBAG EACH DAY IN MY UNIT. A MAGAZINE THAT SIZE WILL NOT BE LOST ON MY WATCH.

Staff Signature: % G. Humphrey

Date Returned to Inmate: 1-4-08

## D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

I have a written agreement with 'SHOW', the publisher, that says they will send me a magazine every two (bi-monthly) months, for two years, beginning October 2007. I have written the Company this dilemma dilemma, however, they are not obligated to answer. I want to clarify that I did not receive my magazine.

Signature: Dan Caesar

Date Submitted: 1-8-08

Note: Property/Funds appeals must be accompanied by a completed

Board of Control form BC-1E, Inmate Claim

FEB 29 2008

JAN 07 2008 JAN 09 2008

CDC Appeal Number:

2ND APPEALS

19 1st AW-BS

an

First Level ☐ Granted ☐ P. Granted ☒ Denied ☐ OtherE. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: 1/9/08 Due Date: 2/25/08Interviewed by: Raul Silva OSS I I/M CARAS - 507644

Per our interview, All mail, to include MAGAZINES, NEWSPAPERS, ETC, are processed + SORTED in the mailroom per institutional policies + procedures. In order to properly distribute MAGAZINES, the MAGAZINES must have: NAME, CDC Number + Housing Unit Number, especially the CDC Number. IF NO CDC Number, the MAGAZINE is dropped in recycle bin. Notify Publishers with your information to assure you receive future magazines, your name will be placed on a tracking list for future incoming magazines.

Staff Signature: Raul Silva Title: OSS I Date Completed: 2-25-08Division Head Approved Signature: [Signature] Title: PSO II (A) Returned: [Signature] Date to Inmate: 2-28-08

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

I talked to Erin and Silva, from the mailroom, a couple of days ago. Erin is now aware that I was due to receive another SHOW MAGAZINE in February, and have not received. She (Erin) said she will attempt to contact the company to determine the problem. I either want my MAGAZINES or reimbursements.

Signature: Dave Caras Date Submitted: 2-28-08Second Level ☐ Granted ☐ P. Granted ☒ Denied ☐ OtherG. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: 2/28/08 Due Date: 3/28/08☒ See Attached LetterSignature: [Signature] Date Completed: 3/13/08Warden/Superintendent Signature: [Signature] Date Returned to Inmate: 3/18/08

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third-level within 15 days of receipt of response.

Warden Harel misconstrues my claim: my claim is for the December 2007 issue. I believe the staff have either intentionally or accidentally misdirected my magazine. I've shown the Mailroom Supervisor, OSS I my subscription address, which is still my present address (SEE Enclosed Invoice). They have contacted the company and the company must have told them the issue was sent; however, misguided.

Signature: Dave Caras Date Submitted: 3-18-08

For the Director's Review, submit all documents to: Director of Corrections  
P.O. Box 942883  
Sacramento, CA 94283-0001  
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☒ Denied ☐ Other☒ See Attached LetterDate: JUL 09 2008

PELICAN BAY STATE PRISON  
SECOND LEVEL REVIEW

14

DATE: MAR 18 2008

Inmate CAESAR, D-07644  
Pelican Bay State Prison  
Facility C, Security Housing Unit  
Unit 5, Cell 121

RE: WARDEN'S LEVEL DECISION  
APPEAL LOG NO. PBSP-C-08-00061

APPEAL: DENIED  
ISSUE: MAIL

This matter was reviewed by ROBERT A. HOREL, Warden, at Pelican Bay State Prison (PBSP). R. Silva, Office Services Supervisor I, Mailroom, interviewed the inmate on February 25, 2008, at the First Level of Appeal Review.

ISSUES

The inmate requests reimbursement for a lost issue of *Show Magazine*.

FINDINGS

I

The inmate asserts that he should have started receiving the *Show Magazine* in October 2007. The magazine is published bi-monthly and the inmate is expecting the February 2008 edition at this time. The inmate is requesting \$8.00 in reimbursement for the October 2007 edition.

II

The California Code of Regulations (CCR), Title 15, Section 3130, states, "*The department encourages correspondence between inmates and persons outside of correctional facilities. The sending and receiving of mail by inmates will be uninhibited except as provided for in this article. The privacy of correspondence between inmates and persons outside correctional facilities shall not be invaded except as may be necessary to prevent physical injury to persons and to maintain the security of correctional facilities and the community.*"

The CCR, Title 15, Section 3380 (c), requires the Warden establish operational procedures as are required by the director for implementation of regulations and as may otherwise be required for their respective operations.

The CCR, Title 15, Section 3193 (b), states, "*The department shall accept liability for the loss or destruction of inmate's personal property when it is established that such loss or destruction resulted from an employee action.*"

PBSP Operational Procedure No. 205, Inmate Mail, delineates specific instructions for the processing of incoming and outgoing inmate mail. It is imperative that correspondents use the

Supplement Page 2

CAESAR, D-07644

Appeal # PBSP-C-08-00061

PELICAN BAY STATE PRISON  
SECURITY HOUSING UNIT  
UNIT C-5

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appropriate address when sending mail to inmates. An example of the method of addressing incoming correspondence is:

John A. Doe, C-00000  
Pelican Bay State Prison  
P.O. Box 7500, Housing Unit, Cell #  
Crescent City, CA 95532-7500

#### DETERMINATION OF ISSUE

A thorough review was conducted into the processing of mail at the Second Level of Appeal Review. The mailroom was contacted and confirmed that *Show Magazine* was contacted to confirm the inmate's subscription. The Housing Unit was contacted and confirmed that the inmate received the February 2008 edition of *Show Magazine*. The inmate has made a lot of bed moves which causes mail to be rerouted if the inmate does not notify their correspondents. With the large volume of correspondence arriving daily at PBSP mailroom, any incorrect information can lead to delays and/or mistakes.

Inmate mail is of extreme importance to the staff at PBSP and the administration has been made aware of the concerns. The mail distribution process will continue to be monitored and be assured that the process is taken extremely seriously at PBSP. The inmate will not be reimbursed for the October 2007 edition of *Show Magazine* because it has not been established that the loss was a result of employee action; therefore, the APPEAL IS DENIED.

#### MODIFICATION ORDER

No modification of this action or decision is required.



ROBERT A. HOREL  
Warden

**SHOW**  
The Art Of Sexy

PO BOX 9867  
FT LAUDERDALE, FL 33310-9867

PELICAN BAY STATE PRISON  
SECURITY HOUSING UNIT  
UNIT C-5

## ACKNOWLEDGMENT

YOUR SUBSCRIPTION TO **SHOW** HAS BEEN PROCESSED

AMOUNT DUE: **PAID**

**Expect delivery of your first exciting  
issue in 4-8 weeks**



\*\*\*\*\*AUTO\*\*MIXED AADC 333  
DANNY CEASAR D-07644  
PELICAN BAY SP C-5-121  
PO BOX 7500  
CRESCENT CITY, CA 95532-0001

T 6 P 7



SHOW MAGAZINE  
PO Box 101476  
Ft Lauderdale, FL 33310-1476

SHW1441312	K7341MASHW
Your Customer#	Order Code



1515721

Call 1-877-651-2819 (Monday-Friday 8:30 a.m.-8 p.m. EST)

Dear Danny Ceasar D-07644,

Thank you for your recent subscription to **SHOW: The Art of Sexy**. We hope you enjoy our visually stunning publication featuring today's hottest models.

Your payment has been credited to your account; thank you!

Please take a moment to check that the above mailing information is correct. If not, please call our toll-free number and let us know.

Thanks again for subscribing and welcome to **SHOW**.

Sincerely,

*Jessie Simon*

Subscription Manager

State of California  
CDC FORM 695  
Screening For:  
CDC 602 Inmate/Parolee Appeals  
CDC 1824 Reasonable Modification or Accommodation Request

PELICAN BAY STATE PRISON  
SECURITY HOUSING UNIT  
UNIT C-5

17

RE: Screening at the FIRST Level

January 7, 2008

**CAESAR, D07644**  
**CF05L 000000121L**

Log Number: PBSP-C-

(Note: Log numbers are not assigned to screen out appeals or informal level appeals.)

The enclosed documents are being returned to you for the following reasons:

***You have not adequately completed the Inmate/Parolee Appeal Form (CDC Form 602).  
You need to complete the next appropriate section.***

**COMPLETE SECTION 'D' IF DISSATISFIED.**



Appeals Coordinator  
Pelican Bay State Prison

**NOTE:** Failure to follow instruction(s) will be viewed as non-cooperation and your appeal will be automatically dismissed pursuant to CCR 3084.4(d). This screening decision may not be appealed. If you believe this screen out is in error, please return this form to the Appeals Coordinator with an explanation of why you believe it to be in error, and supporting documents. You have only 15 days to comply with the above directives.

**PERMANENT APPEAL ATTACHMENT – DO NOT REMOVE**

JAN 07 2008

INMATE REQUEST FOR INTERVIEW  
DEPARTMENT OF CORRECTIONS

INMATE REQUEST FOR INTERVIEW		DEPARTMENT OF CORRECTIONS	
FROM (LAST NAME)	CAESAR		
CDC NUMBER	D-27644		
UNIT	TO	FROM	TO
1-1208	121	STU	
WORK ASSIGNMENT	STU		
ASSIGNMENT HOURS	FROM TO		
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I have a current subscription to STU Magazine. I was supposed to get a Magazine (one every two months) in December 2007, but I did not. Do you know what's happening?

Do NOT write below this line. If more space is required, write on back.

JAN 03 2008

POSITION

I seen them come in, but we have no way to track it unless its been denied and they were not. Have you changed cells recently? Then it would be re-routed.

ELICAN STATE PRISON  
INMATE HOUSING UNIT

UNIT C-5 INMATE REQUEST FOR INTERVIEW

DEPARTMENT OF CORRECTIONS

3-4-08	FROM (LAST NAME)	CAESAR	CDC NUMBER	D-07644
USING	BED NUMBER	WORK ASSIGNMENT	JOB NUMBER	TO
C-5	121	SHU	FROM	TO
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.)			ASSIGNMENT HOURS	
			FROM	TO

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

Erin, I received one of my overdue SHOCK MAGAZINE today. I am not  
whether it's the one I should have received in December 2007, or February  
2008. So what's happening with my other missing magazine? And will  
I receive my subscriptions on time from now on?

INTERVIEWED BY

Do NOT write below this line. If more space is required, write on back.

DATE

I think it was February's issue the company  
said they had a problem getting that issue out. So I can't answer  
if you will receive it on time. Mailroom will pitch it when it arrives →

(10

And I cant answer to ALL of the magazi  
missing I was lucky to resolve the show

~~Adrian M. P. S.~~

CHIEF, INMATE APPEALS BRANCH  
DEPARTMENT OF CORRECTIONS  
AND REHABILITATION  
P.O. BOX 942883  
SACRAMENTO, CA 94283-0001

111  
C1-116

**CONFIDENTIAL**

JUL 16 2008

- CONFIDENTIAL MAIL -

THIS LETTER WAS OPENED AND SEARCHED IN  
THE PRESENCE OF THE INMATE ADDRESSEE.

DELIVERED BY

OFFICER

RECEIVED BY

INMATE

DATE

Exhibit 'Z'

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= 1 page

# INMATE/PAROLEE APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region

Log No.

Category

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1. \_\_\_\_\_

1. \_\_\_\_\_

2. \_\_\_\_\_

2. \_\_\_\_\_

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME <u>DAN CAESAR</u>	NUMBER <u>D-07644</u>	ASSIGNMENT <u>SHU</u>	UNIT/ROOM NUMBER <u>C-1-116</u>
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A. Describe Problem: Ms. Griffin, approx. two weeks ago, I received a 'Board of Control Government Claims Program Information and Claim Form', at a cost of 90¢. I immediately had the floor officer of this unit inform you, along with a sample of what I intended to order: Board of Control Tort Claim for CDC Inmates' Personal Property; a form that should cost no more than 40¢. The form your library sent me requires a \$25.00 filing fee, whereas the one I seek don't have a filing fee because it is incorporated into the Title 15:3084.7(e).

If you need more space, attach one additional sheet.

B. Action Requested: A week ago I tried to contact (Inmate Request) Appeals Coordinator Kravitz to clarify this mishap, however I received no response. I used the correct form at the correct price-rate, and be reimbursed for returning this incorrect form (SEE Title 15:3004).

Inmate/Parolee Signature: Dan Caesar Date Submitted: 8-3-08

C. INFORMAL LEVEL (Date Received: \_\_\_\_\_)

Staff Response: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date Returned to Inmate: \_\_\_\_\_

## D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:



First Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other \_\_\_\_\_

E. REVIEWER'S ACTION (Complete within 15 working days): Date assigned: \_\_\_\_\_ Due Date: \_\_\_\_\_

Interviewed by: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Division Head Approved: \_\_\_\_\_ Returned Date: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date to Inmate: \_\_\_\_\_

F. If dissatisfied, explain reasons for requesting a Second-Level Review, and submit to Institution or Parole Region Appeals Coordinator within 15 days of receipt of response.

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

Second Level ☐ Granted ☐ P. Granted ☐ Denied ☐ Other \_\_\_\_\_

G. REVIEWER'S ACTION (Complete within 10 working days): Date assigned: \_\_\_\_\_ Due Date: \_\_\_\_\_

☐ See Attached Letter

Signature: \_\_\_\_\_ Date Completed: \_\_\_\_\_

Warden/Superintendent Signature: \_\_\_\_\_ Date Returned to Inmate: \_\_\_\_\_

H. If dissatisfied, add data or reasons for requesting a Director's Level Review, and submit by mail to the third-level within 15 days of receipt of response.

Signature: \_\_\_\_\_ Date Submitted: \_\_\_\_\_

For the Director's Review, submit all documents to: Director of Corrections  
P.O. Box 942883  
Sacramento, CA 94283-0001  
Attn: Chief, Inmate Appeals

DIRECTOR'S ACTION: ☐ Granted ☐ P. Granted ☐ Denied ☐ Other \_\_\_\_\_

☐ See Attached Letter

Date: \_\_\_\_\_

Exhibit '3'

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= 2 pages - 1 envelop

August 3<sup>rd</sup> 2008

To Whom it may Concern:

I was wondering if this Service (NVLSP) could help me or help me find someone to represent me on my claims before the Department of Veterans Affairs (① PTSD, ② Grant of Disability Benefits backdated to my discharge date [March 1979] because of the Army's negligence to direct/Aware me with the disability program, which I believe I qualified for at that time, minus the medical discrimination<sup>imposed</sup> on me from the inception of military injury [frostbite, December 1976] through my Honorable Discharge Separation Physical.), and the Court of Appeals for Veterans Claims (① a claim that my present disability grant, which began June 2004, should be retro-acted to a claim I made for the same injury, in 1997, but was erroneously denied: SEE V.A. vs Paralyzed Vets, 345 F.3d. 1334 - in relevant part = Requires the Secretary to, upon request, readjudicate claims denied between July 14, 1999 and November 7, 2000, as not well grounded, as if the denial or dismissal had not been made. My case # Docket # 97-20 360A, was denied by the Board of Veterans Appeals on August 30, 2000.) I tried to re-open the case and was denied by a Mr. Charles E. Hogeboom, of Washington DC Board of Veterans Appeals. Sometime shortly<sup>after</sup> the denial of Mr. Hogeboom (8-15-06) I sent Notice to the Clerk, U.S. Court of Appeals for Veterans Claims, according to Mr. Hogeboom's Instructions, however, I have not received a response from the Court and I am

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worried. The VFW was my legal representative in these cases, but I recently decided to dismiss them because I believe they're deliberately trying to get me to lose my claims. I had also wrote them (VFW) about wanting them to appeal Mr. Hogeboom's decision. I don't know if they did or not.

The prison staff here is using my military injury as a mode of torture through devilment: no medical treat; preventing me from getting a real diagnosis from a real doctor; using natural cold/cool temperatures in conjunction with manufactured temperatures (Central-Air: a total absence - year round - of any heating) to cause constant maximum-effect chronic nerve pain in my feet: SEE my U.S. District 42 U.S.C. 1983 claim # CV-08-01977-SBA.

I've been trying to get help from the NAACP (which I am a member) and a Ms. Angelo Ciccolo in Baltimore. She referred me to legal services at Ft. Lewis Washington and Walter Reed. I wrote them a couple of months ago, but have not received a response.

CAN you help me in my legal pursuits? Also, can you help me get access to Veterans-Law-Reporters, like Vet. App. or CFR? The prison law library here either cannot or will not help, as this material is not in the library's standard set-up.

Sincerely, Dan!

Danny Caesar  
007644, C-1-116  
Pelican Bay State Prison  
P.O. Box 7500  
Crecent City, CA. 95532

Does Not Meet The Criteria For "CONFIDENTIAL MAIL".

Confidential

Mail

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5805 Lake Earl Dr  
Crecent City CA 95532

AUG 14 2008

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PELICAN BAY STATE PRISON  
SECURITY HOUSING UNIT  
UNIT C-1

6-8-8

THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT.

Exhibit '4'

= 3 pages

STATE OF CALIFORNIA

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DEPARTMENT OF CORRECTIONS  
CDC 128B

NUMBER: D-07644 NAME: CAESAR HOUSING: C05-121L DATE: 06-01-08

On 07-05-07, you were placed on the following security precaution(s) due to your behavior, specifically, you committed Attempted Battery on a Peace Officer when you threw your food tray at Correctional Officer R. Moore. You were found guilty of the same offense on 01-22-2004 and 12-17-2005, for throwing your food tray at correctional officers.

FDS CELL  
LEXAN CELL-FRONT  
PAPER TRAY

The security precautions were continued due to:

☐ DISRUPTIVE BEHAVIOR


☐ PENDING DISCIPLINARY ACTION

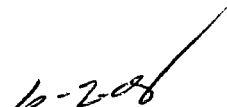
☒ CAPTAINS REVIEW

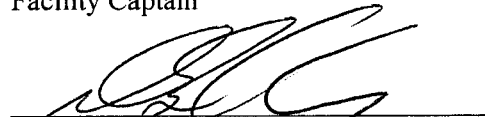
☐ OTHER \_\_\_\_\_

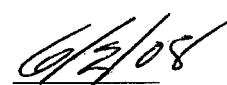
The continuation is for thirty (30) days, beginning on 06-01-08 through 07-01-08. This continuation will be reviewed by the Facility Captain prior to the expiration date for possible continuance.

☐ Remove this inmate from the following restriction(s) \_\_\_\_\_

  
Facility Captain

  
Date

  
Associate Warden

  
Date

CDC 128B

STATE OF CALIFORNIA

42

DEPARTMENT OF CORRECTIONS  
CDC 128B

NUMBER:D-07644 NAME: CAESAR HOUSING: C05-121L DATE: 07-01-08

On 07-05-07, you were placed on the following security precaution(s) due to your behavior, specifically, you committed Attempted Battery on a Peace Officer when you threw your food tray at Correctional Officer R. Moore. You were found guilty of the same offense on 01-22-2004 and 12-17-2005, for throwing your food tray at correctional officers.

LEXAN CELL-FRONT  
PAPER TRAY

The security precautions were continued due to:

☐ DISRUPTIVE BEHAVIOR


☐ PENDING DISCIPLINARY ACTION

☒ CAPTAINS REVIEW


☐ OTHER \_\_\_\_\_

The continuation is for thirty (30) days, beginning on 07-01-08 through 08-01-08. This continuation will be reviewed by the Facility Captain prior to the expiration date for possible continuance.

☒ Remove this inmate from the following restriction(s) FDS/CAPPED CELL

  
Facility Captain

7-1-08  
Date

  
Associate Warden

7/1/08  
Date

CDC 128B

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS  
CDC 128B

NUMBER: D-07644 NAME: CAESAR HOUSING: C05-121L DATE: 08-01-08

On 07-05-07, you were placed on the following security precaution(s) due to your behavior, specifically, you committed Attempted Battery on a Peace Officer when you threw your food tray at Correctional Officer R. Moore. You were found guilty of the same offense on 01-22-2004 and 12-17-2005, for throwing your food tray at correctional officers.

LEXAN CELL-FRONT  
PAPER TRAY

The security precautions were continued due to:

☐ DISRUPTIVE BEHAVIOR


☐ PENDING DISCIPLINARY ACTION

☒ CAPTAINS REVIEW


☐ OTHER \_\_\_\_\_

The continuation is for thirty (30) days, beginning on 08-01-08 through 09-01-08. This continuation will be reviewed by the Facility Captain prior to the expiration date for possible continuance.

☒ Remove this inmate from the following restriction(s) FDS/CAPPED CELL

  
Facility Captain

8-1-08  
Date

  
Associate Warden

8/4/08  
Date

CDC 128B

PROOF OF SERVICE BY MAIL

(C.C.P. Section 101a #2105.5, 20 U.S.C. 1746)

I, DAN LEE CAESAR, am a resident of Pelican Bay State Prison, in the County of Del Norte, State of California. I am over eighteen (18) years of age and am a party to the below named action.

My Address is: P.O. Box 7500, Crescent City, CA 95531.

On the 24<sup>th</sup> day of August, in the year of 2008, I served the following documents: (set forth the exact title of documents served)

Motion For Temporary Injunction

on the party(s) listed below by placing a true copy(s) of said document, enclosed in a sealed envelope(s) with postage thereon fully paid, in the United States mail, in a deposit box so provided at Pelican Bay State Prison, Crescent City, CA 95531 and addressed as follows:

U.S. District Court, for  
the Northern District  
of California.

1301 Clay St., Suite 400-S  
Oakland, California 94612-5212

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 24<sup>th</sup> day of August, 2008.

Signed: Dan Caesar  
(Declarant Signature)

NAME DAN KESK  
CDC NO. 0-016444 HOUSING C-1-116  
PELICAN BAY STATE PRISON  
PO BOX 7500  
CRESCENT CITY, CA. 95532



PELICAN BAY STATE PRISON  
5905 LANE 540 DR  
CRESCENT CITY CA 95532



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CONFIDENTIAL LEGAL MAIL

Keen, LTA

8-28-08